

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JGMM REALTY, L.L.C.,

Plaintiff,

v.

LNR PARTNERS, L.L.C., et al.,

Defendants.

Case No. 16-10633

Honorable John Corbett O'Meara

**ORDER DENYING PLAINTIFF'S
MARCH 10, 2016 MOTION FOR PRELIMINARY INJUNCTION**

This matter came before the court on plaintiff JGMM Realty's March 10, 2016 motion for preliminary injunction. Defendants filed a response April 15, 2016; and Plaintiff filed a reply brief April 22, 2016. Oral argument was heard April 28, 2016.

Two notes, executed in July 2007 between Plaintiff and Lehman Brothers Holding, form the basis of this suit. Following several assignments, Defendants claim they own the notes. There is no dispute that Plaintiff has defaulted on the two notes. Defendants seek to go through publication and foreclosure proceedings; a foreclosure sale is scheduled for May 13, 2016.

In its motion for preliminary injunction, Plaintiff asks the court to enjoin the foreclosure sale and Plaintiff seeks an accounting to determine what payments have been made and how those payments have applied to the two notes. At oral argument Defendants represented to the court that they have supplied Plaintiff with an accounting.

Issuance of a preliminary injunction is an extraordinary remedy. "A plaintiff seeking a preliminary injunction must establish (1) that [s]he has a strong likelihood to succeed on the merits; (2) that [s]he is likely to suffer irreparable harm without the injunction; (3) that the injunction would

not cause substantial harm to others; and (4) that an injunction is in the public interest.” Livonia Property Holdings v. 12840-12976 Farmington Rd. Holdings, 717 F. Supp. 2d 724, 731 (E.D. Mich. 2010).

In this case Plaintiff is unlikely to succeed on the merits, having conceded that it has been in default on the notes for two years. In addition, Plaintiff is unable to show irreparable harm absent issuance of an injunction. Even if Defendants were to proceed with a foreclosure sale, Plaintiff would have six months in which to redeem the property.

ORDER

It is hereby **ORDERED** that Plaintiff’s March 10, 2016 motion for preliminary injunction is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: April 28, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, April 28, 2016, using the ECF system.

s/William Barkholz
Case Manager